

### **REMARKS/ARGUMENTS**

In response to the Office Action of August 10, 2005, Applicants have canceled claims 27-37 without prejudice and submitted a terminal disclaimer herewith which, when considered with the following remarks, is deemed to place the present application in condition for allowance. Favorable consideration of all pending claims is respectfully requested.

On page 1 of the Office Action, the Examiner has indicated that claim 2 is allegedly in improper format because its status identifier of "previously presented" indicates that it was previously presented, yet the phrase "for oral administration" is underlined. Applicants respectfully submit that the phrase "for oral administration" was inserted into claim 2 by the amendment submitted February 25, 2005, and indicated as such with the status identifier "currently amended." That the phrase "for oral administration" remained underlined in claim 2 in the amendment submitted July 8, 2005, was inadvertent. In the listing of claims submitted herewith, the underlining of "for oral administration" in claim 2 (which is properly indicated as "previously presented") has been removed. Withdrawal of the objection to claim 2 as in improper format is therefore respectfully requested.

Claim 30 has been objected to due to a number of informalities. By this amendment, claim 30 has been canceled and the objection to claim 30 is therefore moot.

Claim 1 has been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-9 and 12 of U.S. Patent

No. 6,262,022. As claim 1 has been canceled without prejudice, the double patenting rejection of claim 1 is moot.

Claim 2 has been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-13 of U.S. Patent No. 5,652,212. Applicants submit herewith a terminal disclaimer, disclaiming that portion of any patent issuing from the present application that would extend past the term of U.S. Patent No. 5,652,212. Withdrawal of the double patenting rejection of claim 2 over claims 1-13 of U.S. Patent No. 5,652,212 is therefore warranted.

Claims 1, 27, 29-35 and 37 have also been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 13-18 and 20-22 of U.S. Patent No. 5,639,724. Since claims 1, 27, 29-35 and 37 have been canceled without prejudice, the double patenting rejection of these claims is moot.

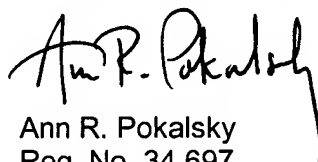
The rejection of claim 1 under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 5,916,589 has been maintained. In order to advance prosecution of this application, and in no way acquiescing to the position of the Examiner, claim 1 has been canceled from the application without prejudice. Claims which depend or eventuate from claim 1, i.e., claims 27-37, have also been canceled without prejudice. Applicants reserve the right to file one or more continuation applications directed to the subject matter of claim 1 and claims 27-37. As claim 1 is presently canceled, the rejection of claim 1 under 35 U.S.C. § 102(e) is moot.

Claims 3, 5-7, 10-14, 16, 18-26, 28, 38-42, and 44-48 have been objected to as dependent upon a rejected base claim. The Examiner has indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 3, 5-7, 10-14, 16, 18-26, 28, 38-42, and 44-48 depend from or else eventuate from claim 2. As discussed above, the underlining

in claim 2 has been removed; therefore the objection to claim 2 should be withdrawn. Submission herewith of a terminal disclaimer disclaiming that portion of any patent issuing from the present application which would extend past the term of U.S. Patent No. 5,652,212, obviates the double patenting rejection of claim 2. Claim 2 is not otherwise objected to or rejected. It is respectfully submitted that claims 3, 5-7, 10-14, 16, 18-26, 28, 38-42, and 44-48 are therefore in condition for allowance.

Accordingly, it is respectfully requested that the Examiner allow claims 2, 3-5, 10-14, 16, 18-26, 28, 38-42 and 44-48, and pass the application to issuance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ann R. Pokalsky". The signature is fluid and cursive, with the first name "Ann" and last name "Pokalsky" clearly distinguishable.

Ann R. Pokalsky  
Reg. No. 34,697  
Attorney for Applicants

Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 430  
East Hanover, NJ 07936-1080  
(862) 778-7859

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